

REMARKS

1. Declaration

Applicant thanks the Examiner for noting the defect in the Declaration and submits herewith a compliant Supplemental Declaration.

2. Specification

Paragraph [31] has been amended to provided the missing application number, which is as identified by the Examiner the Office Action.

3. Claims

Claims 1 – 27 have been examined. Claims 1 – 3 and 7 – 27 stand rejected under 35 U.S.C. §102(a) as anticipated by CACI's FieldForce Planning services and territory optimization software as disclosed in references identified in the Office Action and herein as "CACI Information Solutions" and "CACI Limited Home Page"; Claims 4 – 6 stand rejected under 35 U.S.C. §103(a) as unpatentable over CACI's FieldForce Planning services and territory optimization software; and Claim 27 was objected to because of an error in the preamble.

The objection to Claim 27 has been obviated by making the correction suggested in the Office Action. The rejections of the claims are respectfully traversed. For convenience, the following discussion focuses on the method claims, but the same remarks are applicable also to the apparatus claims.

a. §102(a) Rejections

First, the CACI FieldForce Planning services and territory optimization software does not disclose “receiving a trace defining a closed geographical area.” The Office Action cites pages 6 and 7 of CACI Information Solutions and page 5 of CACI Limited Home Page for such a disclosure, commenting that “[i]dentifying a closed geographical area is inherent to allow CACI to analyze the sales territory(ies) to be optimized.” This, however, misstates the claim limitation, which instead requires “*receiving a trace* defining a closed geographical area.” There is no disclosure of receiving such a trace in the cited materials, either expressly or inherently.

“To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter *is necessarily present* in the thing described in the reference, and that it would be so recognized by persons of ordinary skill’ ” (MPEP 2112, *citing In re Robertson*, 49 USPQ2d 1949, 1950 – 51 (Fed. Cir. 1999), *emphasis added*). In this instance, not only is there nothing in the cited material to show that receipt of a trace is necessarily required with the CACI FieldForce service, there are explicit indications that a trace is *not* received. While the Office Action focuses only on *identification* of a geographical area, there are numerous ways in which such identification might be done. Identification could be performed by having a user type in a name for an area, by using voice-recognition software to identify a spoken identification of an area, by labeling areas numerically and receiving a typed or spoken indication of the numerical label, and so on. In fact, the graphical displays shown on pages 6 and 7 of CACI Information Solutions suggest that precisely such a numerical labeling is used in the cited art. Enlarged versions of these graphical displays are provided in Exhibit 1, from which it is plainly evident that such numerical identifiers are provided on a map, suggesting that they are used as a means of identification.

Rather than merely requiring identification of a closed geographical area, the claims recite the narrower limitation of receiving a trace defining the closed geographical area, a limitation that is neither taught nor suggested in the cited art.

Second, there is no disclosure in the cited art of the limitation of “identifying at least one geographical unit *within* the closed geographical area” (*emphasis added*). In articulating the rejections of the claims, the Office Action appears to treat the “geographical

area” and the “geographical unit” recited in the claims as identical. The claim language, however, requires that they be spatially noncoextensive since the claims limit the at least one geographical unit to being “within” the closed geographical area. Thus, the trace that defines the closed geographical area *surrounds* the at least one geographical unit rather than being coextensive with it (*see* Application, p. 8, ll. 21 – 22). This distinction between the geographical unit and the surrounding geographical area is plainly illustrated in the application, such as in the drawing sequence of Figs. 3B – 3D. The portions of the prior art cited in the Office Action for this limitation make no distinction between a geographical unit and a geographical area; they consequently fail to disclose identification of a geographical unit *within* a closed geographical area defined by a received trace.

b. §103(a) Rejections

The §103 rejections rely on Official Notice for the proposition that it is well known in the art of graphical user interfaces to allow the input of data using a freehand trace, pen and digitizing tablet, or touch screen. Presumably, Official Notice is also being relied on to supply a motivation to combine such a proposition with the claim limitations recited in independent Claim 1 since no *prima facie* case can be supported without such a motivation. MPEP 2143. Such Official Notice is respectfully traversed with respect to the motivation to combine and because the technical line of reasoning underlying the decision to take such Notice is believed to be insufficient in the context of the presented claims. MPEP 2144.03.

Specifically, the technical line of reasoning presented in the Office Action is the following:

However, Official Notice is taken that it is old and well-known in the art of graphical user interface to allow a user to input data using a freehand trace, via a pen and digitizing tablet or a touch screen. These input methods allow a user to more conveniently enter data, especially data associated with various geographic coordinates (i.e., data which would require multiple inputs through a keyboard as opposed to a quick stroke of the hand to manually draw out or select a particular geographic area). Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with CACI the ability of a user to enter geographical territory data in the form of a freehand trace (claim 4), using either a pen and digitizing tablet (claim 5) or a touch screen (claim 6) in order to allow the user to more conveniently enter data, especially data associated with various geographic coordinates (i.e. data

Appl. No. 10/047,925
Amdt. dated August 29, 2003
Reply to Office Action of May 29, 2003 (paper no. 5)

PATENT

which would require multiple inputs through a keyboard as opposed to a quick stroke of the hand to manually draw out or select a particular geographic area).
(Office Action, p. 7)

As is evident, this reasoning relies fundamentally on the view that geographic coordinate data can be entered more easily with a freehand trace than with keyboard data. In the case of the CACI FieldForce Planning application, however, entry of the reference numbers suggested by the graphical displays shown on pages 6 and 7 of CACI Information Solutions is at least as simple as providing a freehand trace. Entry of a two-digit reference number through a keyboard is not significantly less convenient than performing such a freehand trace. What the use of a freehand trace advantageously permits, and which is not addressed by either the Office Action or the cited art, is the ability to define a closed geographical area that surrounds at least one geographical unit that is subsequently identified within the geographical area.


Applicant accordingly requests a showing of documentary proof of the limitation of receiving a freehand trace defining a closed geographical area, coupled with a motivation to combine such a teaching with the other limitations recited in Claim 1 that meets the specific requirements detailed in MPEP 2143.01. *See* MPEP 2144.03.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834

Appl. No. 10/047,925

Amdt. dated August 29, 2003

Reply to Office Action of May 29, 2003 (paper no. 5)

PATENT

Tel: 303-571-4000

Fax: 415-576-0300

Attachments

PMB:pmb

60013034 v1

MapInfo

Map

Map

to destination (Address)

Target Address

Source

to Source

Target Address

Source

Test 1

Solutions

Next

Done

Selected Target Set

Originating to Originating

Originating to Source

Selected Target Set

Process...

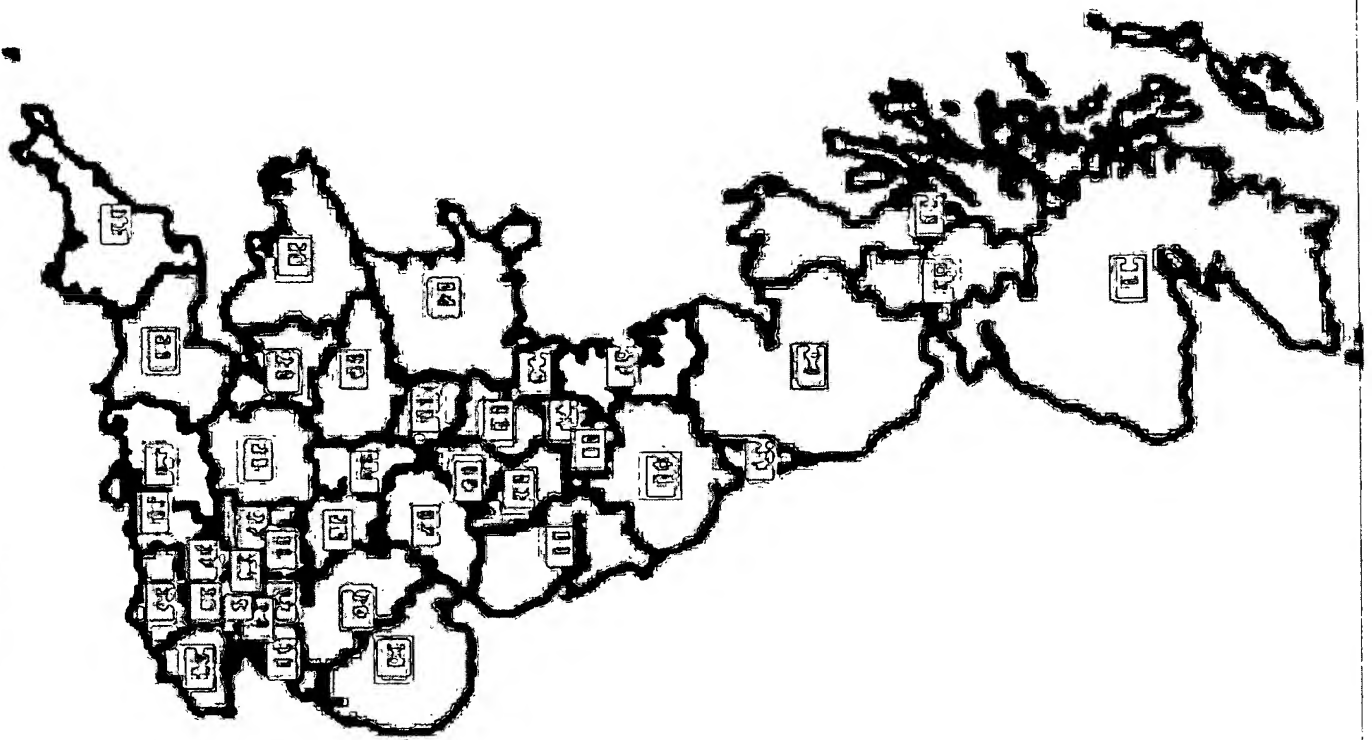
Layout...

Save As...

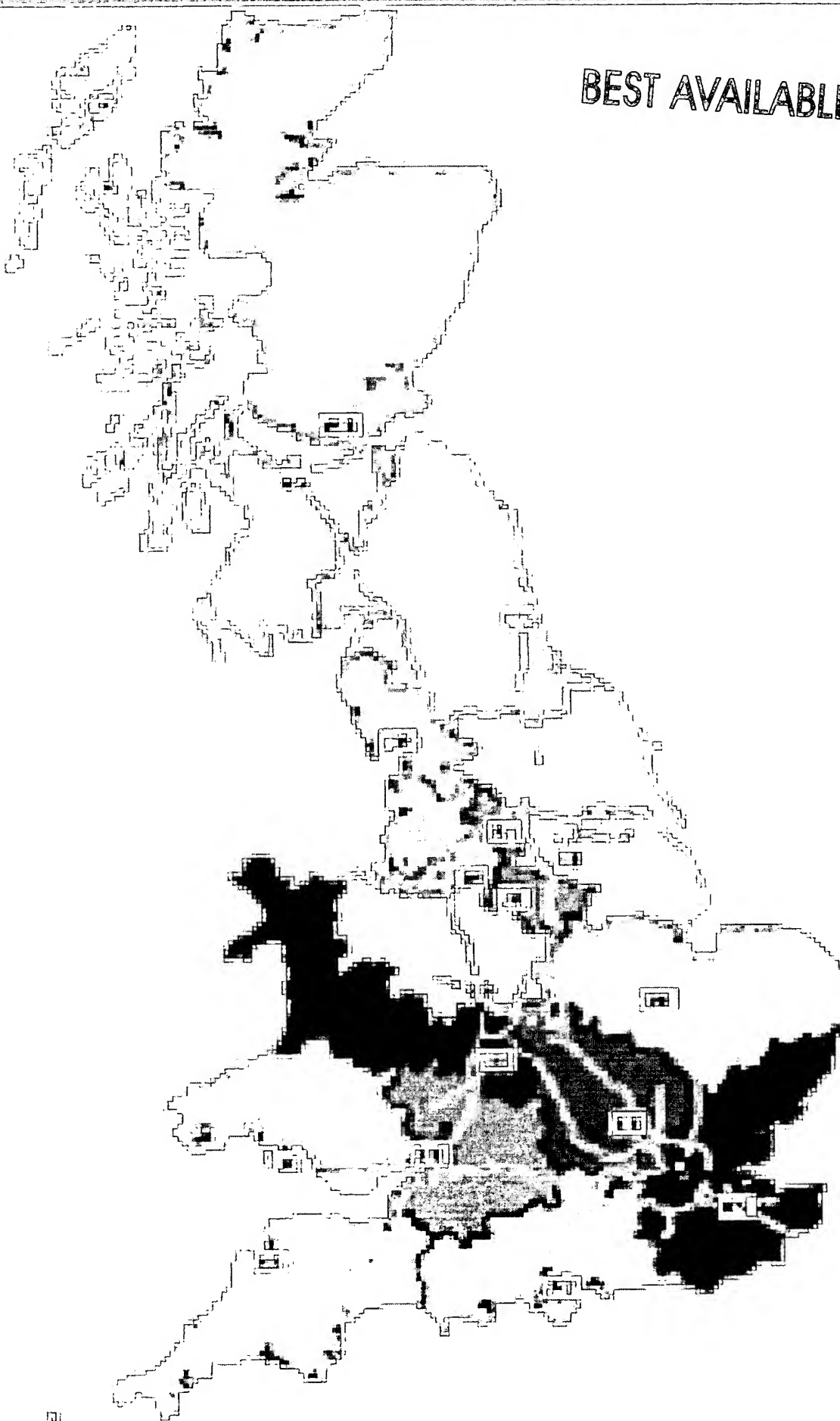
File Help

Print Selected
Destination Only

Close



BEST AVAILABLE COPY



**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.